

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5042 OF 2006

Mangalwedha Nagar Parishad
Through its Chief Officer, Mangalwedha
A/P Mangalwedha Dist.Solapur ..Petitioner

Vs.

Shri Harihar Pandurang Patwardhan
and anr. ..Respondents

WITH

WRIT PETITION NO.5043 OF 2006

Mangalwedha Nagar Parishad
Through its Chief Officer, Mangalwedha
A/P Mangalwedha Dist.Solapur ..Petitioner

Vs.

Shri Sant Damaji Juni Samadhi
Jirnodhar Charity Trust, Through
Chief Trustee Harihar Pandurang
Patwardhan & 5 Ors. ..Respondents

Mr.S.M.Oak for the petitioner

Mr.A.V.Anturkar i/b S.Deshmukh for respondent no.1

Ms.V.S.Mhaispurkar, A.G.P. for respondent no.2

CORAM : A.P.DESHPANDE, J

DATED : 20TH NOVEMBER, 2006

P.C.:

1. The petitioner, Mangalwedha Nagar Parishad

has filed the instant writ petition challenging the order passed by the trial court granting temporary injunction which is confirmed in Misc. Civil Appeal by the District Judge by dismissing the appeal. Having regard to the concurrent finding of two courts below, the learned counsel for the petitioner mainly seeks a clarification to the effect that the temporary injunction does not go to protect the unauthorised or illegal structures standing on the land.

2. The learned counsel for the respondents in the first place denies that there is any unauthorised or illegal structures but then submits that if that be so, a clarification can be made that the orders under challenge does not come in the way of the petitioner for removal of unauthorised structures by resorting to the procedure established by law. Both the writ petitions are disposed of accordingly, by so clarifying.

(SHRI A.P.DESHPANDE, J)